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10/028,781	12/28/2001	Siavash Fallahi	1875.1270001/JTH/BAM	6416

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STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.  
1100 NEW YORK AVE., N.W.  
WASHINGTON, DC 20005

EXAMINER

BRINEY III, WALTER F

ART UNIT	PAPER NUMBER
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2644

42

DATE MAILED: 02/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/028,781

Applicant(s)

FALLAHI ET AL.

Examiner

Walter F Briney III

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 and 25-33 is/are rejected.
- 7) ☒ Claim(s) 24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 June 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4\_6.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Gay (US Patent 4,796,295).

Claim 1 is limited to a **communications device**. Gay discloses an integrated circuit (i.e. **a substrate**) (column 1, lines 6-17) **having an input** (figure 1, element 1) **and an output** (figure 1, element 2), which is connected to a telephone network (i.e. **a communications network**). Gay discloses **a relay** (figure 1, element 5) **disposed on said substrate and connected between said input and said output of said substrate**. Inherently some voltage will leak through the relay with any voltage applied (i.e. **said relay capable of being closed when substantially zero volts is applied to said relay**). Gay discloses **a switchable termination resistor** (figure 1, elements 7, 10, and 11) **disposed on said substrate and coupled to said input of said substrate**. The resistors provide impedance matching to the external circuitry of the telephone network (i.e. **having an impedance capable of providing a termination for an external circuit that is disposed external to said substrate**) (column 4, lines 19-34). The **external circuit also connected to said input of said substrate** via the input port (figure 1, element 1). Therefore, Gay anticipates all limitations of the claim.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-23 and 25-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gay.

Claim 2 is limited to **the communications device of claim 1**, as covered by Gay. Gay discloses a relay comprising a BJT. Gay discloses a **drain** connected to a telephone **input** (figure 1, element 1) and a **source** connected to an **output** (figure 1, element 28). Therefore, Gay anticipates all limitations of the claim with the exception **wherein said relay includes a native field effect transistor (FET)**. BJT and FET devices are art recognized equivalents in the field of supplying current to a circuit. In this case, Gay discloses a BJT transistor (figure 1, element 5) that acts as a current source to the circuit. It would have been obvious to one of ordinary skill in the art at the time of the invention to use a FET in place of the BJT of Gay for the purpose of providing current to the circuit of Gay. As an example, Palara (US Patent 5,828,244) teaches a FET device that acts as a current source.

Claim 3 is rejected for the same reasons as claim 1.

Claim 4 is limited to **the communications device of claim 3**, as covered by Gay. Gay discloses a **rectifying circuit** (figure 3, element 50). Since the **external**

circuit comprises any circuit connected to the telephone line, the **input of said rectifying circuit is coupled to said input of said external circuit** (figure 1, element 1); and an **output of said rectifying circuit connected to said gate of said native FET** (figure 3, elements 1 coupled to 5 via elements 59 and 58). Furthermore, with all structural limitations met, the **rectifying circuit must rectify an input signal received at said input of said external circuit and produce a rectified voltage that is applied to said gate of said native FET**. Therefore, Gay makes obvious all limitations of the claim.

Claims 18 and 30 are rejected for the same reasons as claim 4.

Claim 5 is limited to **the communications device of claim 4**, as covered by Gay. Gay discloses **rectifying circuit** (figure 3, element 50), which **includes a second native FET having one of a source and a drain coupled to an input of said external circuit and the other of said source and said drain coupled to said gate of said native FET** (figure 3, element 58). **A gate of said second native FET also coupled to said input of said substrate** (figure 3, element 58 connected to figure 1, element 1 via figure 3, elements 59 and 50). Therefore, Gay makes obvious all limitations of the claim.

Claim 25 is rejected for the same reasons as claim 5.

Claim 6 is limited to **the communications device of claim 5**, as covered by Gay. Gay discloses a **gate grounding device** (figure 3, element 56) **coupled to a gate of said second native FET** (figure 3, element 58). Inherently, **said gate grounding device is capable of grounding said gate of said second native FET when a**

**voltage is applied to said substrate.** Therefore, Gay makes obvious all limitations of the claim.

Claim 7 is limited to **the communications device of claim 6**, as covered by Gay. For the same reasons as in claim 2, it would have been obvious to replace the BJT of Gay with a FET (i.e. **wherein said gate grounding device includes a FET**). Gay also discloses a **gate of said FET coupled to said voltage applied to said substrate** (figure 3, element 56 to 57) a **drain of said FET coupled to gate of said second native FET** (figure 3, element 56 to 58), and a **source of said FET coupled to ground** (figure 3, element 56 to ground). Therefore, Gay makes obvious all limitations of the claim.

Claim 8 is limited to **the communications device of claim 4**, as covered by Gay. Gay discloses a diode (i.e. **a switch**) (figure 3, element 59) **connected in series between said output of said rectifying circuit** (figure 3, element 50) and **said gate of said native FET** (figure 3, element 5). Inherently, **said switch is capable of disconnecting said rectifying circuit from said gate of said native FET when a voltage is applied to said substrate.** Therefore, Gay makes obvious all limitations of the claim.

Claim 9 is limited to **the communications device of claim 4**, as covered by Gay. Gay discloses a **gate grounding device** (figure 3, element 6) **coupled to a gate of said native FET** (figure 3, element 5). Inherently, **said gate grounding device grounds said gate of said native FET when a voltage is applied to said substrate.** Therefore, Gay makes obvious all limitations of the claim.

Claims 20, 23, 26, and 32 are rejected for the same reasons as in claims 6 and 9.

Claim 10 is limited to **the communications device of claim 9**, as covered by Gay. For the same reasons as in claim 2, it would have been obvious to replace the BJT of Gay with a FET (i.e. **wherein said gate grounding device includes a FET**). Gay also discloses a **gate of said FET coupled to said voltage applied to said substrate** (figure 3, element 6 to 14) a **drain of said FET coupled to gate of said native FET** (figure 3, element 6 to 5 via 58), and a **source of said FET coupled to ground** (figure 3, element 6 to ground). Therefore, Gay makes obvious all limitations of the claim.

Claim 11 is limited to **the communications device of claim 1**, as covered by Gay. Gay discloses a **switch** (figure 1, element 5) **in series with a resistor** (figure 1, element 7). The resistor and switch form part of a feedback network that provides an impedance match (i.e. **said resistor determined to provide a desired impedance for said external circuit when said switch is closed**) (column 4, lines 27-34). Therefore, Gay makes obvious all limitations of the claim.

Claims 16, 17, 28, and 29 are rejected for the same reasons as claim 11.

Claim 12 is limited to **the communications device of claim 11**, as covered by Gay. For the same reasons as claim 13, it would have been obvious to position a low-pass filter (i.e. **external circuit**) at the input of the telephone circuit of Gay. Gay discloses balancing the input impedance of a circuit, so all devices in its front end will also have a balanced impedance, including the filter (i.e. **wherein said desired**

**impedance causes said external circuit to have a substantially constant input impedance**). Therefore, Gay makes obvious all limitations of the claim.

Claims 21 and 33 are rejected for the same reasons as in claims 7 and 10.

Claim 13 is limited to **the communications device of claim 10**, as covered by Gay. Gay discloses a device that is connected to a telephone network with external circuits connected thereto. Therefore, Gay makes obvious all limitations of the claim with the exception **wherein said external circuit is a filter**. The examiner takes Official Notice of the fact that low pass filters used to split DSL signals before they reach a telephone device like that of Gay is well known. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use a filter coupled to the input of the device of Gay for the purpose of separating multiplexed signals.

Claim 14 is limited to **the communications device of claim 1**, as covered by Gay. Gay discloses a telephone network, but not the specific type. Therefore, Gay anticipates all limitations of the claim with the exception **wherein said communications network is an internet protocol (IP) telephone network**. The examiner take Official Notice of the fact that IP telephone networks are well known types of telephone networks that require impedance matching circuits like that of Gay (i.e. **wherein said communications network is an internet protocol (IP) telephone network**). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the device of Gay in an IP telephone network for the purpose of providing impedance matching.



Claim 15 is essentially the same as claim 1, as covered by Gay, with the further limitation of the system being **the first and second FET having a threshold voltage of approximately zero volts**. For the same reasons as in claim 2, it would have been obvious to replace the BJT of Gay with a FET. Gay discloses a transistor (figure 3, element 5) that is rendered conductive when its control terminal is connected to ground through transistors 58 and 6 (i.e. **having a threshold voltage of approximately zero volts**). Therefore, Gay anticipates all limitations of the claim with the exception wherein the system is **differential**. The examiner takes Official Notice of the fact that differential signals and circuits in telephone networks is well known. Therefore, it would have been obvious to one of ordinary skill in the art to modify the single-ended system of Gay to be a differential system. Furthermore, the extra components necessary to build the differential system are a mere duplication of parts. Mere duplication of parts has no patentable significance unless new and unexpected result is produced (In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960)). Therefore, Gay makes obvious all limitations of the claim.

Claims 22 and 27 are essentially the same as claim 15 and <sup>are</sup> is rejected for the same reasons.

Claim 19 is limited to **the communications device of claim 18**, as covered by Gay. For the same reasons as in claim 2, it would have been obvious to replace the BJT of Gay with a FET. Gay discloses a transistor (i.e. **a FET switch**) (figure 3, element 58) **connected between said rectifying circuit** (figure 3, element 50) **and said gate of said first native device** (figure 3, element 5). Inherently, **said FET**

**switch opens when a supply voltage is applied to said substrate.** Therefore, Gay makes obvious all limitations of the claim.

Claim 31 is essentially the same as claim 18 and is rejected for the same reasons.

### ***Allowable Subject Matter***

Claim 24 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 24 is limited to **the IP telephone of claim 23**, as covered by Gay. Gay discloses a transistor that is active when its gate is grounded (i.e. threshold of approximately zero volts). However, the specific range of values for the threshold voltage is not indicated. Therefore, Gay makes obvious all limitations of the claim with the exception **wherein said threshold voltage is approximately between -100mV and +100mV**. And therefore, claim 23 is allowable.

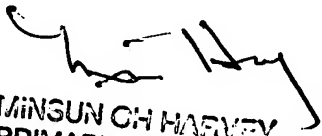
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter F Briney III whose telephone number is 703-305-0347. The examiner can normally be reached on M-F 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W Isen can be reached on 703-305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WFB  
2/19/04

  
MINGUN CH HARVEY  
PRIMARY EXAMINER